



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXI.

AN ACT to provide for the Registration of certain Persons who shall be imported into Western Australia or employed in any manner within the Territorial Dominion thereof.

[Assented to, 21st September, 1882.]

WHEREAS it is expedient that a Register should be kept of all persons, natives of India, China, Africa, and of the islands in the Indian and Pacific Oceans, and the Malayan Archipelago, who shall be imported into Western Australia or employed in any manner within its Territorial Dominion; And whereas it is also expedient to prevent the importation of old and sickly persons, and to make provision for the welfare and comfort of all such persons as shall be so imported: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

Repeal 38 Vic. 9.

1. "THE Imported Labor Registry Act, 1874," is hereby repealed: Provided that this repeal shall not affect the past operation of the said repealed Act; nor shall it affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any of the provisions thereof.

Interpretation.

2. IN this Act, unless the context otherwise requires, the word "Laborer" means any person who is apparently a native of India, China, Africa, or of the islands in the Indian or Pacific Oceans, or of the Malayan Archipelago;

The expression "Medical Practitioner" means any person authorised to practise as a physician or surgeon, by any law or laws in force for the time being in any portion of Her Majesty's dominions, or any licentiate of any recognised European school of medicine;

"Employer" means any person or persons at whose request and on whose behalf any laborer, within the meaning of this Act, shall be imported into the Colony of Western Australia;

"Vessel" includes a ship or boat;

"Master" includes any person for the time being in command or charge of a vessel.

Master of vessel to furnish nominal list.

3. THE master of any vessel which shall have on board, within the territorial dominion of Western Australia, any laborer or laborers, shall, immediately on his arrival within such territorial dominion, give voluntarily and immediately, or on demand thereof, to the principal officer of customs or of police, or other officer specially authorised by the Governor in that behalf, at or nearest to the place where such vessel shall then be, a complete nominal list of such laborers, in the form or to the effect in the Schedule A hereto, under a penalty not exceeding Ten shillings for every day for each such person, to be computed from the day of such demand.

Penalty.

Particulars in list.

4. SUCH list shall contain the following particulars of such persons: Name as at place of birth, and name at time of furnishing list, sex, apparent age, ordinary place of residence, place of birth, place where shipped and date of shipment, calling or occupation, intended place of residence, name, residence, and description of employer, intended employment.

List to be verified.

5. SUCH list shall, if required by such principal officer of customs or of police, or other officer as aforesaid, be from time to

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

time verified as far as possible by a statement, oath, affidavit, or declaration of such master or persons respectively.

6. NO laborer shall be put on shore from any vessel, except for the purpose and with the intention of immediately returning thereto, nor shall any laborer be employed anywhere, except on board of such vessel as a seaman, within such territorial dominion, until the master of such vessel shall have given such list as aforesaid, nor until he shall also have obtained a medical certificate in respect of such laborer, as hereby provided, under a penalty not exceeding Five pounds, to be recovered from the master, for every laborer who shall be landed contrary to the provisions of this section.

No laborer to be put on shore until list be given and medical certificate obtained.

7. THE employer of any laborer within the Territorial Dominion of Western Australia shall, whenever thereunto requested by any officer of customs or of police at or nearest to the place where such laborer shall then be, or whenever thereunto requested by any other officer, as provided for by the fifth section hereof, in the absence of reasonable excuse to the satisfaction of the Justice of the Peace who shall hear and determine the charge, produce such laborer at all reasonable times at such place to any Police officer or other officer as aforesaid, under a penalty not exceeding Forty shillings for every such default. Provided always, that every such officer shall, before demanding the production of such laborer, be armed with and produce a written authority from a Justice of the Peace to make such demand.

Employer to produce laborer.

8. THE medical certificate required by this Act for a laborer may be obtained either from any medical practitioner at the port at which such laborer has been shipped, or, at the option of the master of the vessel, from any Government Medical Officer in this Colony.

Certificate how obtained.

9. SUCH certificate shall be in the form B in the Schedule attached hereto, and shall be signed by the medical practitioner or by the medical officer as aforesaid granting the same.

Form.

10. FROM and after the coming into operation of this Act, it shall not be lawful for any person to engage any laborer without having previously entered into a contract with such laborer as hereinafter provided, under a penalty of Five pounds for every laborer so employed.

No laborer to be employed except under contract.

11. SUCH contract shall be in the form in the Schedule C hereto attached, and shall specify the nature of the employment at which

Form of contract.

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

such laborer is to be employed, the period of service, and the terms and nature of remuneration for such service, and shall also contain a stipulation to the effect that at the termination of such period of service such laborer shall be returned to the port at which he was shipped, at the expense of such employer.

Contract to be explained to laborer; and countersigned by employer in presence of a Magistrate.

12. SUCH contract shall be explained to the laborer with whom it is to be made, at the port of shipment of such laborer, and shall then and there be signed by the employer or his agent; and the contract so signed shall be countersigned in the presence of a Government Resident, or Resident or Police Magistrate of the Colony, within one month of the landing of such laborer within the Colony, by the employer of such laborer. Provided that nothing herein contained shall prevent any person from entering into a contract with a laborer within the Colony after the importation of such laborer, and after the termination of any previous contract which such laborer may have entered into; provided also, that any such subsequent contract shall be in the form contained in Schedule C.

Contract to be explained to laborer.

13. SUCH last mentioned contract shall be explained to the laborer with whom it is to be made, in the presence of any Government Resident, Resident Magistrate, or Police Magistrate in Western Australia, and shall also be signed in the presence of and certified by such Magistrate.

Duplicate contract be sent to Resident Magistrate.

14. A DUPLICATE copy of every contract that shall be made with any laborer under the provisions of this Act shall be lodged by the employer, within one month after the landing of such laborer or of the making of such contract, as the case may be, in the office of the Resident or Police Magistrate in the presence of whom such contract shall have been signed or countersigned. Any employer failing herein shall be liable to a penalty not exceeding Five pounds for every breach of this section.

Contracts to be under the provisions of Master and Servants Acts.

15. ALL engagements and contracts already made, or to be made with laborers, are hereby expressly declared to be subject to the provisions of an Act passed in the sixth year of Her Majesty, No. 5, intituled "An Act to provide a summary remedy in certain cases of Breach of Contract," and of "The Masters and Servants Amendment Ordinance, 1868," and of "The Masters and Servants Amendment Act, 1882." And upon conviction of any laborer under the provisions of the first mentioned Act it shall be lawful for

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

the convicting Justice or Justices to rescind the contract with such laborer.

16. ANY contract made under the provisions of this Act may at any time after the expiration of six months from the making thereof be rescinded by mutual consent of the parties thereto, in the presence of the Government Resident, Resident or Police Magistrate, in whose court the duplicate copy of such contract shall have been lodged; the Magistrate, in whose presence any such contract shall be so rescinded, shall make a memorandum of such rescission upon the face of such duplicate copy, and affix thereto his signature, and the date of such rescission: upon such rescission, the relation of employer and laborer within the meaning of this Act, as between the parties to the contract so rescinded, shall cease to exist.

Contract may be rescinded after six months by mutual consent.

17. THE master of every vessel who shall knowingly give a false nominal list, as provided by the third section hereto, shall forfeit and pay a sum not exceeding One hundred pounds.

Penalty for giving false nominal list.

18. ALL offences under this Ordinance made punishable by any penalty shall be summarily punishable, upon conviction, before a Justice or Justices of the Peace in Petty Sessions.

Offences punishable summarily.

19. ANY person who shall forge, or cause or procure to be forged, or shall produce or make use of any forged medical certificate or contract required by the provisions of this Act, or any necessary signature to any such certificate or contract, knowing the same to have been forged, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for Three years, or for any term not less than One year.

Punishment for forging certificate, &c.

20. IF any person shall feel aggrieved by any conviction or order of any Justice or Justices, with respect to any penalty, fine, or other matter under the provisions of this Act, such party may appeal from such conviction or order to the Supreme Court. Provided always, that notice of such appeal shall be given to such Justice or Justices within three weeks, and that such appeal shall be entered for hearing within two months after such conviction or order; and upon such notice being given all proceedings upon such conviction or order shall be stayed until the hearing of the appeal; and the appellant, if in custody, shall be liberated upon recognizance, with or without surety or sureties, and in such sum as to the convicting

Appeal.

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

Justice or Justices may seem meet, conditioned for his appearance before the same Justice or Justices or some other Justice or Justices sitting at the place where such conviction or order was made within ten days after the judgment of the Supreme Court upon such appeal shall have been given, to abide such judgment, unless the conviction or order appealed against shall be reversed.

Shortening Ordinance.

21. SECTIONS A, E, G, and H of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act, to all intents and purposes, and in as full and ample a manner, as if the said sections had been introduced and fully set forth in this Act.

Short Title.

22. THE Short Title of this Act shall be "The Imported Labor Registry Act, 1882."

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

SCHEDULES.

Schedule A.

LIST of persons on board the Vessel (*Name of Ship*) whereof is Section 3. Master (*Name of Master*) having on board at (*Name of Place*), in Western Australia, the following persons, apparently natives of India, China, Africa, or of the Islands in the Indian and Pacific Oceans, or of the Malayan Archipelago.

| Name at time giving list. | Name at place of Birth. | Sex. | Apparent age. | Ordinary place of Residence. | Place of Birth. | Place where Shipped, and date of shipment. | Calling or Occupation. | In-tended place of residence. | Name of residence, and description of employer. | In-tended employment. |
|---------------------------|-------------------------|------|---------------|------------------------------|-----------------|--|------------------------|-------------------------------|---|-----------------------|
| | | | | | | | | | | |

NOTE.—Giving an incomplete list involves a penalty not exceeding Ten shillings for every day for each person not included in this list, to be computed from the day of demand. No person to be landed, except for ship's purposes, until list given, nor until a medical certificate be obtained for each person landed, under a penalty not exceeding Five pounds for each person. The giving a false list involves a penalty not exceeding One hundred pounds.

Schedule B.

Medical Certificate.

I hereby certify that I have examined _____ (*here insert the name of the laborer examined*) being of the apparent age of _____ years, and find him to be free of disease and of a sound constitution.

Section 9.

Signed

46° VICTORIÆ, No. 21.

The Imported Labor Registry Act, 1882.

Schedule C.

Date

Section 11.

Memorandum of agreement made this day between A.B. of of the first part, and C. a native of per ship of the second part. The conditions are that the said party of the second part engages to serve the said party of the first part as a and otherwise to make himself generally useful for the term of and also to obey all the lawful and reasonable commands of the said A.B. or of the said A.B.'s overseer or authorised agent during the said period, in consideration of which services the said A.B. doth hereby agree to pay to the said party of the second part wages at the rate of £ per annum, and to provide him with the understated rations daily, and to defray the expense of the conveyance of the said party of the second part to the place at which he is to be employed, to pay wages in money at the end of each year of the agreement [*and to provide the said party of the second part with a free passage to at the expiration of the said period of]. No wages shall be deducted for medical attendance.

Daily ration

In witness whereof they have mutually affixed their signatures (or marks) to this document.

The above agreement was explained to the said in my presence, and was signed before me by the within mentioned with their names (or marks) at the day of 188 .

Signed

** The words in brackets to be omitted in the case of every contract subsequent to the first contract made by any laborer.*